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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

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11 JOHN ROBERT DEMOS, JR.,

12 Plaintiff,

13 v.

14 ROBERT M. JACKSON, *et al.*,

15 Defendants.

CASE NO. C22-5083-LK

ORDER ADOPTING REPORT AND  
RECOMMENDATION

16 **I. INTRODUCTION**

17 This matter comes before the Court on the Report and Recommendation of United States  
18 Magistrate Judge Michelle L. Peterson, Dkt. No. 3, and the objections thereto filed by *pro se*  
19 Plaintiff John Robert Demos, Jr., Dkt. No. 4. Demos is subject to a pre-filing bar order in this  
20 district. Dkt. No. 3 at 1.

21 Defendants have not been served or appeared. Having reviewed the Report and  
22 Recommendation, Demos' objections, and the balance of the record, the Court ADOPTS the  
23 Report and Recommendation as set forth below.  
24

## II. DISCUSSION

The background facts and procedural history are set forth in the Report and Recommendation and are adopted here. Dkt. No. 3. Demos, who is incarcerated at the Washington State Penitentiary, alleges that Defendants have violated his constitutional rights by failing to adhere to proper COVID-19 protocols at the facility. Dkt. No. 1. The Court determines *de novo* the parts of the Report and Recommendation to which Demos has objected. Fed. R. Civ. P. 72(b)(3).

Demos' objections to the Report and Recommendation pose a series of questions but do not address the reasons why this matter is subject to dismissal. Dkt. No. 4. Therefore, and in light of the record, the Court adopts the findings and conclusions from the Report and Recommendation that (1) this action is not properly before the Court because Demos has neither paid the filing fee nor applied to proceed *in forma pauperis*, and (2) this action is subject to dismissal because Demos has not met the requirements of 28 U.S.C. § 1915(g) by demonstrating that he is in "imminent danger of serious physical injury." Dkt. No. 3 at 2.<sup>1</sup>

## III. CONCLUSION

For the foregoing reasons, it is hereby ORDERED that:

(1) the Court ADOPTS the Report and Recommendation;

(2) This action is DISMISSED without prejudice.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Dated this 14th day of June, 2022.

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<sup>1</sup> A court in this district recently dismissed another, nearly identical lawsuit from Demos. *Demos v. Strange et al.*, No. C22-5084-DGE-DWC (W.D. Wash. Mar. 29, 2022) (dismissing complaint for failure to comply with the requirements of the bar order).



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Lauren King  
United States District Judge

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